

season will enable Texas grapefruit handlers to meet market needs. This final rule is based on the current and prospective crop and market conditions for Texas grapefruit. Fresh Texas grapefruit shipments began in late September this season.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the TVCC and other available information, it is found that finalizing this rule without change, as published in the Federal Register (60 FR 54291, October 23, 1995) will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 906

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 906 is amended as follows:

#### **PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS**

Accordingly, the interim final rule amending 7 CFR part 906 which was published at 60 FR 54291 on October 23, 1995, is adopted as a final rule without change.

Dated: December 12, 1995.  
Sharon Bomer Lauritsen,  
*Deputy Director, Fruit and Vegetable Division.*  
[FR Doc. 95-30672 Filed 12-15-95; 8:45 am]  
BILLING CODE 3410-02-P

#### **7 CFR Part 984**

[Docket No. FV95-984-2FIR]

#### **Walnuts Grown in California; Expenses and Assessment Rate**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule that authorized expenses and established an assessment rate that generated funds to pay those expenses. Authorization of this budget enables the Walnut Marketing Board (Board) to incur expenses that are reasonable and necessary to administer the program.

Funds to administer this program are derived from assessments on handlers.

**EFFECTIVE DATE:** August 1, 1995, through July 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Martha Sue Clark, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, PO. Box 96456, room 2523-S, Washington, DC 20090-6456, telephone 202-720-9918, or Mark A. Hessel, California Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, Suite 102B, 2202 Monterey Street, Fresno, CA 93721, telephone 209-487-5901.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement and Order No. 984, both as amended (7 CFR part 984), regulating the handling of walnuts grown in California, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department of Agriculture is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. Under the provisions of the marketing order now in effect, California walnuts are subject to assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable walnuts handled during the 1995-96 marketing year, which began August 1, 1995, and ends July 31, 1996. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling not later than 20 days after the date of the entry of the ruling.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural

Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 5,000 producers of California walnuts under this marketing order, and approximately 65 handlers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. The majority of California walnut producers and handlers may be classified as small entities.

The budget of expenses for the 1995-96 marketing year was prepared by the Walnut Marketing Board, the agency responsible for local administration of the marketing order, and submitted to the Department for approval. The members of the Board are producers and handlers of California walnuts. They are familiar with the Board's needs and with the costs of goods and services in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the Board was derived by dividing anticipated expenses by expected merchantable certifications of California walnuts. Because that rate will be applied to the actual quantity of certified merchantable walnuts, it must be established at a rate that will provide sufficient income to pay the Board's expenses.

The Board met September 8, 1995, and unanimously recommended a 1995-96 budget of \$2,280,175, \$109,403 more than the previous year. Budget items for 1995-96 which have increased compared to those budgeted for 1994-95 (in parentheses) are: Field travel and relates expenses, \$17,000 (\$13,000), general insurance, \$6,800 (\$6,400), social security and hospital insurance taxes, \$9,286 (\$8,129), audit, \$8,900, (\$8,700), group life, retirement, and medical, \$45,861 (\$44,370), office

salaries, \$41,740 (\$40,740), office rent, \$27,168 (\$26,419), office supplies and miscellaneous, \$20,000 (\$15,000), postage, \$7,000 (\$5,000), furniture, fixtures, and automobiles, \$25,000 (\$5,000), domestic market research and development, \$998,000 (\$953,000), walnut production research, \$718,420 (\$718,302), crop estimate, \$67,000 (\$60,000), and \$30,000 for the reserve for contingencies, for which no funding was recommended last year. Items which have decreased compared to the amount budgeted for 1994-95 (in parentheses) are: Administrative salaries, \$99,000 (\$101,712), and production research director, \$34,000 (\$40,000). All other items are budgeted at last year's amounts.

The Board also unanimously recommended an assessment rate of \$0.0116 per kernelweight pound of merchantable walnuts certified, \$0.0005 more than the previous year. This rate, when applied to anticipated shipments of 1,980,000 kernelweight pounds of merchantable walnuts, will yield \$2,296,800 in assessment income, which will be adequate to cover budgeted expenses. Unexpended funds may be used temporarily during the first five months of the subsequent marketing year, but must be made available to the handlers from whom collected within that period.

An interim final rule was published in the Federal Register on October 30, 1995 (60 FR 55178). That interim final rule added \$989,346 to authorize expenses and establish an assessment rate for the Committee. That rule provided that interested persons could file comments through November 29, 1995. No comments were received.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on handlers. Some of the additional costs may be passed on to producers. However, these costs will be offset by the benefits derived by the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matter presented, including the information and recommendations submitted by the Board and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register (5 U.S.C. 553) because the Committee

needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1995-96 fiscal period began on August 1, 1995. The marketing order requires that the rate of assessment for the fiscal period apply to all assessable walnuts handled during the fiscal period. In addition, handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and published in the Federal Register as an interim final rule.

#### List of Subjects in 7 CFR Part 984

Marketing agreements, Nuts, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR part 984 is amended as follows:

#### **PART 984—WALNUTS GROWN IN CALIFORNIA**

Accordingly, the interim final rule amending 7 CFR part 984 which was published at 60 FR 55178 on October 30, 1995, is adopted as a final rule without change.

Dated: December 12, 1995.  
Sharon Bomer Lauritsen,  
*Deputy Director, Fruit and Vegetable Division.*  
[FR Doc. 95-30673 Filed 12-15-95; 8:45 am]  
BILLING CODE 3410-02-P

#### **7 CFR Part 1212**

[FV-95-703]

#### **Lime Research, Promotion, and Consumer Information Order**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule; termination order.

**SUMMARY:** This document removes the Lime Research, Promotion, and Consumer Information Order (Order) in its entirety. A referendum was conducted in November 1995 to determine whether continuance of the Order was favored by a majority of the producers, producer-handlers, and importers voting in the referendum. A majority of the persons voting in the referendum did not favor continuance of the Order.

**EFFECTIVE DATE:** December 18, 1995.

**FOR FURTHER INFORMATION CONTACT:** Richard B. Schultz, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, Box 96456, Room 2535-S, Washington, D.C. 20090-6456, telephone (202) 720-5976.

#### **SUPPLEMENTARY INFORMATION:**

The Department of Agriculture (Department) is issuing this rule in

conformance with Executive Order 12866.

This termination order has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this termination order.

This action is governed by section 1960 of the Lime Research, Promotion, and Consumer Information Act of 1990, as amended (Act). Section 1960 of the Act provides that the Secretary of Agriculture (Secretary) shall conduct a referendum not later than 30 months after the date on which the collection of assessments begins to determine whether the issuance of the Order is favored by a majority of the producers, producer-handlers, and importers voting in the referendum. Paragraph (b) of section 1960 of the Act requires that the Order continue in effect only if favored by such majority.

#### **Background**

The Lime Research, Promotion, and Consumer Information Act of 1990 (1990 Act) (Pub. L. 101-624, 7 U.S.C. 6201-6212) was enacted on November 28, 1990, for the purpose of establishing an orderly procedure for the development and financing of an effective and coordinated program of research, promotion, and consumer information to strengthen the domestic and foreign markets for limes. The Order required by the 1990 Act became effective on January 27, 1992 (57 FR 2985), after notice and comment rulemaking.

In March 1992 the Department conducted nomination meetings to nominate lime producers and importers for appointment to the Lime Board (Board). The Board members were appointed by the Secretary in September 1992 and the Board conducted its first meeting at the Department in Washington, D.C. in October 1992. During the course of this meeting, the Board and the Department concluded that a technical amendment to the 1990 Act was needed before an order could be implemented. Consequently, full implementation of the Order was delayed until the enactment of such technical amendment.

The Lime Research, Promotion, and Consumer Information Improvement Act (1993 Act) (Pub. L. 103-194, Dec. 14, 1993) contained the necessary technical amendment to properly cover the regulated commodity. The 1993 Act also provided for increasing the exemption level from less than 35,000